



**US Army Corps
of Engineers®**
Memphis District



**US Army Corps
of Engineers**
Vicksburg District

General Permit

FILE NO.: GENERAL PERMIT – 30

DATE: January 24, 2023

EXPIRES: January 24, 2028

FOR: **REGULATED ACTIVITIES IN WATERS OF THE UNITED STATES ASSOCIATED WITH AQUATIC HABITAT REHABILITATION PROJECTS UNDERTAKEN BY, OR CONSTRUCTED IN COOPERATION WITH, THE UNITED STATES FOREST SERVICE, THE NATURAL RESOURCES CONSERVATION SERVICE, THE UNITED STATES FISH AND WILDLIFE SERVICE AND/OR THE ARKANSAS GAME AND FISH COMMISSION**

WHERE: **REGULATORY JURISDICTION OF THE MEMPHIS AND VICKSBURG DISTRICTS IN ARKANSAS**

BY WHOM: **DISTRICT ENGINEER, MEMPHIS DISTRICT, AND DISTRICT ENGINEER, VICKSBURG DISTRICT, ON BEHALF OF THE PUBLIC**

The U.S. Army Corps of Engineers (USACE), Memphis District and Vicksburg District are hereby issuing a Department of the Army General Permit (General Permit 30) for the construction of aquatic habitat rehabilitation projects in waters of the United States (U.S.) undertaken by, or constructed in cooperation with, the United States Forest Service (USFS), the Natural Resource Conservation Service (NRCS), the United States Fish and Wildlife Service (USFWS), and/or the Arkansas Game and Fish Commission (AGFC) within the regulatory jurisdiction of the Memphis District and Vicksburg District in the State of Arkansas. Activities which would be authorized under General Permit 30 must feature aquatic habitat rehabilitation as a primary purpose. Typical activities include barrier removal (such as low head dams, roadways with culverts, fords, bank to bank road crossings and other transportation crossings), installation of natural and nature-based features, streambank stabilization, stream relocation (as part of a rehabilitation project), and aquatic habitat improvement or establishment.

A map of the Memphis District and Vicksburg District boundaries in Arkansas is enclosed (enclosure 1).

This action is being taken pursuant to Federal regulations printed in the *Federal Register* on November 13, 1986, concerning permits for activities in waters of the United States. These regulations state the U.S. Army Corps of Engineers' responsibility for regulating structures or work in or affecting waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) and discharges of dredged and/or fill material into waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. 1344). General Permits may be issued for a category or categories of activities when: 1) those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) the General Permit would result in avoiding unnecessary duplication of the regulatory control exercised by another Federal, State, or local agency, provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal.

The final decision regarding a determination that the proposed activities comply with the requirements for issuance of General Permits was made using information which is available for inspection at the office of the Vicksburg District's Regulatory Division at 4155 Clay Street, Vicksburg, Mississippi and the office of the Memphis District's Regulatory Division at 167 North Main Street, Memphis, Tennessee. This General Permit contains certain limitations intended to protect the environment and natural and cultural resources. Conformance with conditions contained in the General Permit does not necessarily guarantee authorization under this General Permit. In cases where the District Engineer considers it necessary, an application for an individual permit, or other authorization, will be required. Construction activities which include regulated work and/or discharges of dredged or fill material into Section 10/404 or Section 404 regulated waters of the United States (collectively hereafter referred to as: WOTUS) which are not specifically authorized by this General Permit are prohibited unless authorized by a separate permit.

In compliance with requirements of Section 401 of the Clean Water Act, water quality certification (WQC) from the Arkansas Department of Energy and Environment, Division of Environmental Quality, Office of Water Quality (DEQ) has been obtained stating that the work authorized by the General Permit will not violate applicable provisions of Sections 301, 302, 306, and 307 of the Clean Water Act. A copy of the Arkansas DEQ WQC is attached (enclosure 2).

Authorization to conduct work under this General Permit does not negate the responsibility of the applicant to obtain other Federal, State or local authorizations or permits required by law for the proposed activity.

REQUEST FOR AUTHORIZATION UNDER THE GENERAL PERMIT -APPLICATION REQUIREMENTS: IN ORDER TO BE AUTHORIZED BY THIS GENERAL PERMIT, PARTIES PROPOSING THE WORK ARE REQUIRED TO SUBMIT TO THE DISTRICT ENGINEER, IN WRITING, THE FOLLOWING INFORMATION IN 8 ½ x 11 INCH FORMAT AT LEAST 60 DAYS PRIOR TO THE PLANNED START DATE FOR THE WORK:

- a. State the number of the General Permit under which the work will be conducted. (General Permit - 30) (GP-30)
- b. A statement that the work will be conducted in compliance with the terms and conditions of GP-30 and will not adversely impact adjoining properties.
- c. Name, mailing address, telephone number, and e-mail address of the party (person/agency) applying for authorization and for the agent (if applicable).
- d. A location description including: latitude and longitude; Section, Township, Range; County and location map showing the proposed worksite.
- e. A description of the proposed activity and its purpose, including:
 1. Drawings (plan and profile) of the proposed project plans.
 2. Elevations (when available) and/or indication of the ordinary high-water mark.
 3. Dimensions (in feet) of proposed structures, and the total area impacted (in acres for wetlands; in both acres and linear feet for streams).
 4. Amounts of dredged and/or fill material (in cubic yards) that would be discharged into waters of the U.S.
- f. Estimated initiation and completion dates of construction.
- g. A delineation of all waters of the United States (WOTUS) within the project area, including special aquatic sites (e.g. wetlands) and other waters of the U.S. such as lakes or ponds, or perennial, intermittent, or ephemeral streams. Wetland delineations must be prepared in accordance with the current method required by the Corps. The applicant may ask the Corps to delineate the special aquatic sites, including wetlands, and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many wetlands, other special aquatic sites, and/or other waters. Furthermore, the application evaluation period will not start until the delineation has been submitted by the applicant or completed by the Corps, as applicable.
- h. An informational narrative and/or list detailing:
 1. Individual aquatic resource impacts (in acres for wetlands; in acres and linear feet for streams);
 2. Total quantity of impacts for each resource type (e.g. emergent wetland, forested wetland, intermittent stream, etc.);

3. All impact activities (discharge of dredged and/or fill material, conversion, etc.), and the impact duration (temporary or permanent);
4. The latitude/longitude (approximate center point) for each impact; and
5. Current site photos representative of the WOTUS to be impacted.

NOTE: An Aquatic Resources Identification and Impacts Spreadsheet is available for use on the Vicksburg District's Regulatory Web Page]:<http://www.mvk.usace.army.mil/Missions/Regulatory/Permits.aspx>

i. A narrative describing how impacts to WOTUS were minimized to the maximum extent practicable. For projects that include adverse impacts to WOTUS, the complete application will include information on mitigation in all forms (i.e. avoidance, minimization, and compensation).

The narrative must include a description of the Best Management Practices (BMPs) that will be used to minimize movement of disturbed soil(s) from the construction area into adjacent WOTUS.

For projects with unavoidable adverse functional impacts greater than 0.10 acre to wetlands or greater than 0.03 acre of streams, the complete application will include a statement describing: how, if required, the compensatory mitigation requirement will be satisfied (either through the purchase of mitigation credits from an approved mitigation bank or "in lieu fee" provider, or through permittee responsible mitigation); or explaining why the project-specific adverse effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan. If the applicant proposes permittee responsible mitigation, the application will not be considered complete until the Corps receives an acceptable permittee responsible mitigation plan.

[NOTE: Information on the Vicksburg District's current mitigation requirements is available on the MVK Regulatory Web Page]:
<http://www.mvk.usace.army.mil/Missions/Regulatory/Mitigation.aspx>

j. If another Federal agency is involved in the project through technical assistance, funding/grants, or other means: identify the agency; briefly describe the involvement of the agency; and provide a point of contact (name, phone number and email address).

k. Federal permittees should follow their own procedures for complying with the requirements of the Endangered Species Act (ESA). Federal permittee must provide appropriate documentation to demonstrate compliance with those requirements.

For non-Federal permittees: if any ESA-listed species or designated critical habitat might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat, the application must include the name(s) of those endangered or threatened species that might be affected by the proposed activity or utilize the designated critical habitat that might be affected by the proposed activity.

l. Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide appropriate documentation to demonstrate compliance with those requirements, including consultation with potentially affected federally recognized tribes.

For non-Federal permittees, if the activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the *National Register of Historic Places*, the application must state which historic property might have the potential to be affected by the proposed activity and include a vicinity map indicating the location of the historic property.

m. For work proposed: on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System; or, on a property/area owned or managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.), the applicant must submit with their request for authorization under this General Permit, the agency point of contact (including phone number, mailing address, and email address) and proof of initiation of the applicant's request for approval from the managing agency.

n. For activities affecting structures or works built by the United States: If a GP-30 activity also requires permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project, the application must include a statement (and any associated documents) confirming that the project applicant has submitted a written request for Section 408 permission to the appropriate Corps office having jurisdiction over that USACE project.

Special Conditions:

1. A low head dam proposed for removal under this General Permit shall not exceed 300 feet in length and 25 feet in height.

2. This General Permit shall not be used to authorize impoundments or to convert a stream or wetlands to another aquatic habitat type or uplands.

3. Wetland impacts from the proposed construction activities shall not exceed two (2) acres. Stream impacts from the proposed construction activities shall not exceed 2,000 linear feet or 0.5 acres. The discharge of rock/stone or similar material into a stream shall not exceed 3 cubic yards per running foot (below the ordinary high-water mark) unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in no more than minimal adverse environmental effects.

4. Adequate best management practices are required. All construction activities shall be performed in a manner that will prevent off-site movement of disturbed soils, minimize increased turbidity of the water in the work area, and otherwise avoid adverse effects on water quality and aquatic life, especially during fish spawning seasons. The fill material shall be compacted upon completion of construction. The site shall be revegetated by sod, seed (native, or non-native non-invasive, species only), or another acceptable method, as necessary, to restore cover and prevent erosion. Soil stabilization and erosion control measures for bare ground must be complete within 30 days, weather permitting. In no case shall bare ground go unstabilized for more than 120 days. In areas subject to currents, riprap or other measures may be used for slope protection subject to limitations discussed in Special Condition 3.

5. Material used for fill may be obtained from onsite and/or offsite upland sources. Additional material shall not be obtained from any WOTUS or any area which would adversely affect an adjacent WOTUS unless the purpose and location of the excavation is integral to the restoration/enhancement of the targeted aquatic habitat.

6. Fill placed outside of the footprint of the structures authorized by GP-30 should be similar in nature to the existing substrate and shall be confined to the minimum quantity necessary. Access roads shall be aligned to minimize impacts to WOTUS.

7. Construction and/or maintenance activities should be conducted during low flow periods of streams.

8. No activity that has the potential to cause effects to properties listed, or eligible for listing, in the *National Register of Historic Places*, or a site that has previously been unevaluated, shall be authorized by this General Permit until the requirements of Section 106 of the National Historic Preservation Act have been satisfied. Fill material shall not be taken from a known historical or archaeological site within or outside regulated areas. If the permittee, during prosecution of work authorized herein, inadvertently discovers or accidentally destroys a cultural resource such as a cemetery, shipwreck, mound, historic structure, or archaeological site, within the area subject to Department of the Army jurisdiction, they shall cease work in the immediate area and notify the District Engineer within 24 hours. The District Engineer, in consultation with the appropriate State Historic Preservation Office and the federally recognized Tribe, will comply with the procedures set forth in 33 CFR 325, Appendix C, paragraph 11 (Historic Properties Discovered During Construction).

9. Activities shall not be authorized for activities proposed on or adjacent to any stream in a component of a National Wild and Scenic Rivers System or in a component of a State Natural and Scenic Rivers System, without the appropriate Federal or State authorization.
10. Dredged, excavated, or fill material used for construction shall be nonpolluting material in accordance with the Environmental Protection Agency Guidelines for the Discharge of Dredged or Fill Material found in 40 CFR 230.
11. All excavated material not used as backfill shall be placed in a non-jurisdictional area (i.e., upland) or be placed in a manner determined to be beneficial to wetland function and ecological production. If dredged material is to be placed in an upland contained disposal area and return water discharged back into WOTUS, a separate Department of the Army authorization may be required (See Nationwide Permit No. 16).
12. The discharge shall not be located so as to adversely affect a public water supply intake or a national fish hatchery intake.
13. The discharge shall not contain unacceptable levels of pathogenic organisms in areas used for activities involving physical contact with the water.
14. The discharge shall not occur in areas of concentrated shellfish production.
15. No activity shall be authorized under this General Permit which would be likely to directly or indirectly jeopardize the continued existence of a federally listed threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act (ESA), or that will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity shall be authorized under this General Permit which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.
16. Activities in WOTUS that may impact known wading bird rookeries shall be avoided to the maximum extent practicable. The permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee shall contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for the activity.
17. The construction activity shall not result in the blockage of a natural stream or river channel or drain jurisdictional wetlands.
18. No sewage, oil, refuse, or other pollutants shall be discharged into WOTUS.

19. Projects located on property encumbered by a Natural Resources Conservation Service (NRCS) Wetlands Reserve Program (WRP), Wetland Reserve Easement (WRE) or any other easement/real estate instrument shall not be authorized without written release/approval from the NRCS. Under such situations, the application shall not be considered complete until the Corps is provided written documentation of release/approval from the agreement by the NRCS.

20. Activities shall not be authorized on a property/area managed by a State or Federal natural resource agency (e.g. wildlife management areas, national wildlife refuges, national forests, etc.) without documented approval (e.g. special use permit, waiver, etc.) from the managing agency.

21. Authorizations for this General Permit shall not be granted to an applicant who is in noncompliance with a Department of the Army permit until such noncompliance has been resolved.

22. The activity must comply with applicable Federal Emergency Management Agency-approved state or local floodplain management requirements.

23. Any conditions in the water quality certification issued from the Arkansas DEQ that satisfy the requirements of 40 CFR Part 121.7(d) shall be incorporated into the license or permit by reference. Enforcement actions resulting from noncompliance with these conditions may be initiated by the USACE or the Environmental Protection Agency.

24. The permittee shall return a Certification of Compliance after completing construction of the authorized activity.

General Conditions:

A. The activity authorized by GP-30 shall be maintained in good condition and in conformance with the terms and conditions of the permit. The permittee shall not be relieved of this requirement if the permitted activity is abandoned. However, a good faith transfer to a third party in compliance with General Condition "B.", below, will be acceptable. Should the permittee desire to abandon the authorized activity without a good faith transfer, or wish to cease to maintain the authorized activity, the permittee shall obtain a modification of the authorization from this office, which may require restoration of the area.

B. If the property associated with the authorization under this General Permit is sold, the permittee will notify this office to ensure that the authorization is transferred to the new owner.

C. Representatives from this office shall be allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of this permit.

D. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

E. This permit does not grant any property rights or exclusive privileges.

F. This permit does not authorize any injury to the property or rights of others.

G. This permit does not authorize interference with, or damages to, any existing or proposed federal Civil Works project. An activity that requires Section 408 permission from the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a USACE federally authorized Civil Works project (a "USACE project") will not be authorized by GP-30 until the appropriate Corps office issues the Section 408 permission to alter, occupy, or use the USACE project, and the District Engineer issues a written GP-30 authorization.

H. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his or her authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

I. In issuing this permit, the Federal Government does not assume any liability for the following:

- 1) Damages to the permitted project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
- 2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by, or on behalf of, the United States in the public interest.
- 3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- 4) Design or construction deficiencies associated with the permitted work.
- 5) Damage claims associated with any future modification, suspension, or revocation of this permit.

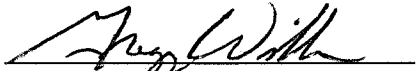
J. In issuing individual authorization under this General Permit, the Government will rely on the information and data, which the prospective permittee provided in connection with the permit application. If, subsequent to the authorization, such

information and data prove to be false, incomplete, or inaccurate, this authorization may be modified, suspended, or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

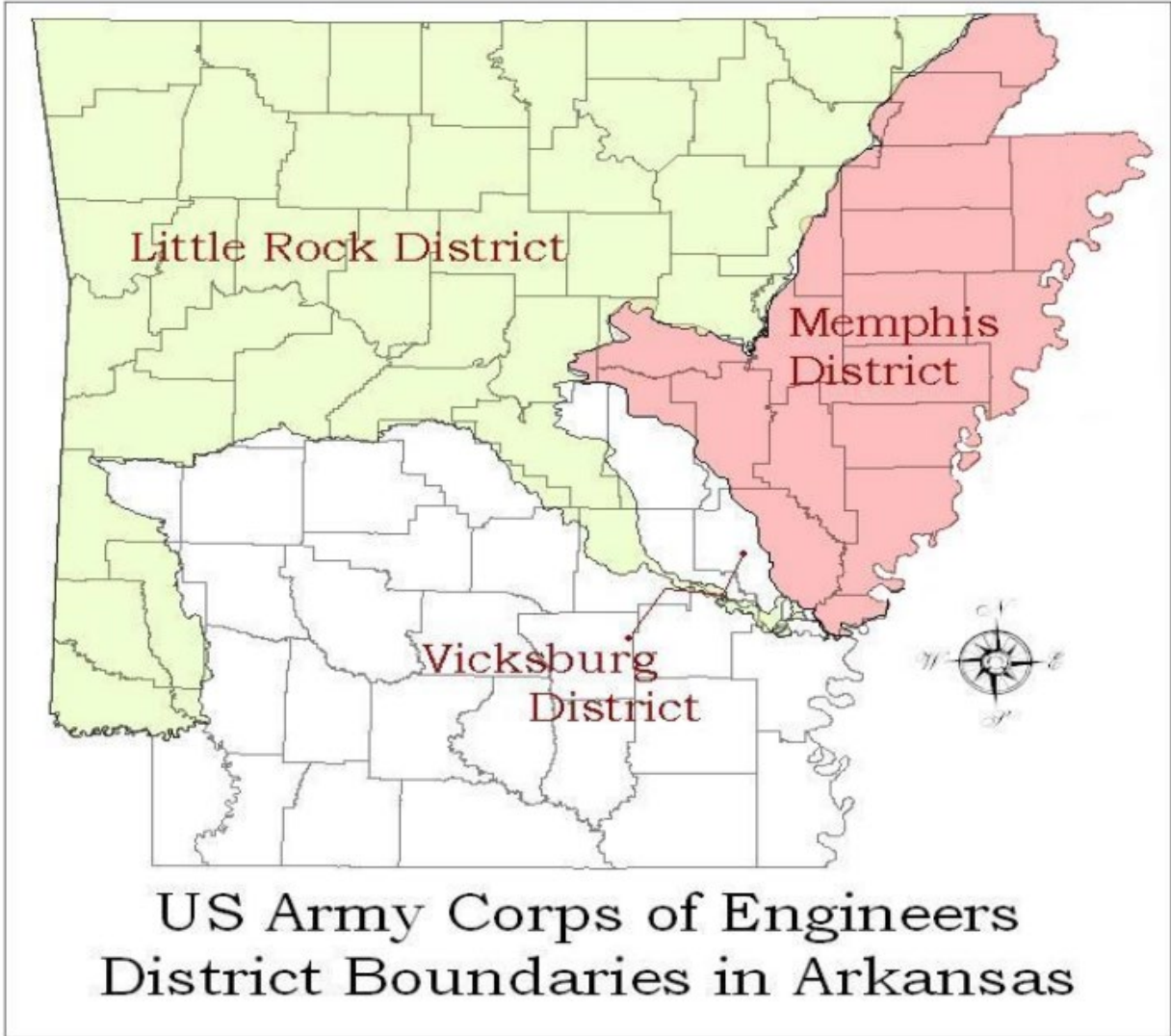
K. The permittee shall immediately notify the Corps of any unforeseen activities, including emergency activities, that are directly or indirectly associated with the authorized activity and that may require separate authorization.

L. The General Permit is valid for 5 years from the date of issuance. At the end of that time, the cumulative environmental effects of completed work will be reviewed and reissuance of the permit may be considered. However, if unforeseen adverse environmental effects result from the issuance of this General Permit, it may be modified or terminated at any time.

M. Authorization under this General Permit is valid until the General Permit expires. Activities which are under construction, or that are under contract to commence in reliance upon this General Permit, will remain authorized provided the activity is completed within 12 months of the date of expiration.


Gregory W. Williams
Chief, Regulatory Division
Memphis District


Kristina W. Hall
Chief, Regulatory Division
Vicksburg District





ARKANSAS

ENERGY & ENVIRONMENT

September 21, 2022

Mr. Roger Allan
Deputy Chief, Regulatory Division
U.S. Army Corps of Engineers, Memphis District
167 N Main Street, STE B202
Memphis, TN 38103
(901-544-3682)
Roger.s.allan@usace.army.mil

RE: 401 Water Quality Certification – **DEQ No. 20220204**
USACOE General Permit 30 – Regulated Activities in Waters of the United States

Dear Mr. Allan;

The Division of Environmental Quality (DEQ) has completed its review of the above referenced 401 Water Quality Certification application for aquatic habitat improvement projects within the Memphis and Vicksburg Districts of the US Army Corps of Engineers. This water quality certification is for activities of the Regional General Permit No. 30 as described below:

Regional General Permit for the construction of aquatic habitat rehabilitation projects in waters of the United States undertaken by, or constructed in cooperation with, the United States Forest Service, the Natural Resource Conservation Service, the United States Fish and Wildlife Service, and/or the Arkansas Game and Fish Commission within the regulatory jurisdiction of the Vicksburg and Memphis Districts in the State of Arkansas. Typical activities include barrier removal (such as low head dams, roadways with culverts, fords, bank to bank road crossings and other transportation crossings), installation of natural and nature-based features, streambank stabilization, stream relocation (as part of a rehabilitation project), and aquatic habitat improvement or establishment. Based on a discussion between DEQ and USACE on 09 AUG 2022 USACE has proposed to add the following condition to the permit (see Special Condition 2 on page 5 of the updated permit, uploaded on 09 August, 2022): "2. This General Permit shall not be used to authorize impoundments or to convert a stream or wetlands to another aquatic habitat type or uplands."

DEQ has determined that there is a reasonable assurance that this activity will be conducted in a manner which, according to the Arkansas Pollution Control and Ecology Commission's (APC&EC) Rule 2, will not physically alter any significant segment(s) of Arkansas's waterbodies and will not permanently violate water quality criteria.



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Pursuant to §401(a)(1) of the Clean Water Act, DEQ hereby issues a water quality certification for this project: **DEQ No. 20220204** contingent upon the following conditions:

- 1) An individual water quality certification request must be submitted to DEQ for activities which may impact Extraordinary Resource Waters, Ecologically Sensitive Waterbodies, and Natural Scenic Waterways as identified in APC&EC Rule 2, Water Quality Standards for Surface Waters of the State of Arkansas. In order to determine compliance with the standards set forth in APC&EC Rule 2.203 for these Outstanding Resource Waters, projects covered under NWP's on these waters shall be reviewed by DEQ.
- 2) In accordance with APC&EC Rule 2.305, the applicant shall obtain a Short Term Activity Authorization (STAA) when performing work in the wetted area of waters of the state as defined by Arkansas Code Annotated (A.C.A.) §8-4-102. Activities approved under a STAA are subject to the provisions that no permanent or long-term impairment of beneficial uses is likely to result from such activity. More information can be obtained by visiting <https://www.adeq.state.ar.us/water/planning/instream/> or <https://eportal.adeq.state.ar.us/>
- 3) The applicant shall implement all practicable best management practices (BMPs) to avoid excessive impacts of pollutants to waters of the state, 40 CFR §122.26(c).
- 4) The applicant will take all reasonable measures to prevent the spillage or leakage of any chemicals, oil, grease, gasoline, diesel, or other fuels. In the unlikely event such spillage or leakage occurs, the applicant must contact DEQ immediately.
- 5) The applicant shall limit construction to low flow periods as much as possible to minimize adverse effects on water quality and aquatic life.
- 6) If the construction will disturb equal to or greater than one (1) acre and less than five (5) acres, the applicant shall comply with the requirements in Rule 6.203 for stormwater discharge associated with a small construction site, as defined in APC&EC Rule 6. If the construction will disturb five (5) acres or more, the applicant shall comply with the terms of the Stormwater Construction General Permit, Number ARR150000 prior to the start of construction. BMPs must be implemented regardless of the size. More information can be obtained by contacting the NPDES Stormwater Section of DEQ at (501) 682-0621.

In issuing this certification, DEQ does not assume any liability for the following:

- A. Damages to the proposed project, or uses thereof, as a result of other permitted or unpermitted activities or from natural causes.
- B. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity specified in this certification.
- C. Design or construction deficiencies associated with this proposed project.



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If you have any questions, please contact Mr. Jim Wise, wise@adeq.state.ar.us (501) 682-0663.

Sincerely,

A handwritten signature in black ink that reads "Bryan Leamons". The signature is written in a cursive style.

Bryan Leamons, P.E.
Senior Operations Manager, Office of Water Quality

cc: Daniel Bagby, EPA
Melvin Tobin, USFWS
Jennifer Sheehan, AGFC
Sarah Frasher, DEQ Inspector District 3
Trey Butler, DEQ Inspector District 7
Michael Young, DEQ Inspector District 8
Reagan Spinelli, DEQ Inspector District 9
Hunter Strom, DEQ Inspector District 9
Blain Sanders, DEQ Inspector District 9
Jason Bolenbaugh, DEQ Inspector Supervisor